

FISCAL NOTE

SB 784 - HB 1275

March 31, 2003

SUMMARY OF BILL: Revises provisions of the crime of custodial interference, which will include:

- if someone detains or removes a child or an incompetent person after the expiration of a period of lawful visitation with the intent to violate the rightful custody of the legal custodian they will be guilty of custodial interference;
- prohibits anyone from harboring a child or an incompetent person, knowing that the possession of the child was unlawfully obtained by another person;
- provides a defense to such interference if it can be proven that there was a clear and present danger to the child's or incompetent person's health, welfare or safety;
- violation would be Class E felony unless the child was voluntarily returned, then it would be a Class A misdemeanor;
- continues to allow a prosecutor to elect whether to prosecute for this offense or for aggravated kidnapping or especially aggravated kidnapping.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$5,000/Incarceration*

Increase Local Govt. Expenditures - Not Significant

Increase Local Govt. Revenues - Not Significant

Assumes one additional Class E felony conviction each year. Also, impact upon local government depends upon the number of persons convicted of a Class A misdemeanor offense and the resulting increased costs to local government to confine such persons versus the increased revenues from fines levied and collected. Such impact is not estimated to be significant.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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